

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 11, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:06od-217

Oahu

After-the-Fact Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom,
Inc. for Telecommunication Purposes, Nuuanu, Honolulu, Oahu, Tax Map Key: 1-9-
07:02

APPLICANT:

Hawaiian Telcom, Inc., a Hawaii corporation, whose business and mailing address is P.O.
Box 2200, Honolulu, Hawaii 96841.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolulu situated at Kalihi Valley, Honolulu, Oahu,
identified by Tax Map Key: 1-9-07:02 por., as shown on the attached map labeled Exhibit A.

AREA:

To be determined by survey.

ZONING:

State Land Use District: Conservation
City & County of Honolulu, LUO: P-1 Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Office of Conservation and Coastal Lands stated that this telephone line has been an existing land use for forty years, (prior to the enactment of the environmental impact statements law), so it has no objections to the after-the-fact perpetual easement (see Exhibit B).

DCCA VERIFICATION:

Place of business registration confirmed:	YES	X	NO
Registered business name confirmed:	YES	X	NO
Applicant in good standing confirmed:	YES	X	NO

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The subject easement consists of existing overhead pole lines and underground conduit in the area off of the Old Pali Road, along a service road. The discovery of this undocumented telephone line came about while processing the subdivision requests for the adjacent parcel, one of which required a fire protection system using electrical and telephone lines adjacent to a Nuuanu reservoir.

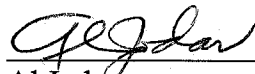
Comments were requested from various agencies. The Division of Forestry and Wildlife and Office of Hawaiian Affairs marked "no objections." The Dept. of Hawaiian Home Lands marked "no comments." The Office of Conservation and Coastal Lands stated that this telephone line has been an existing land use for forty years so it had no objection to the after-the-fact perpetual easement (see Exhibit B). No other agency comments were received by the April 18, 2007 deadline.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:

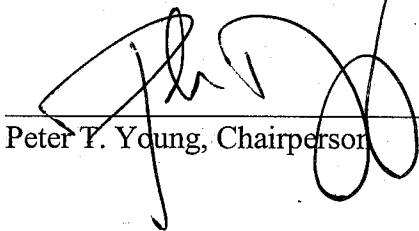
1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Telcom covering the subject area for telecommunication purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

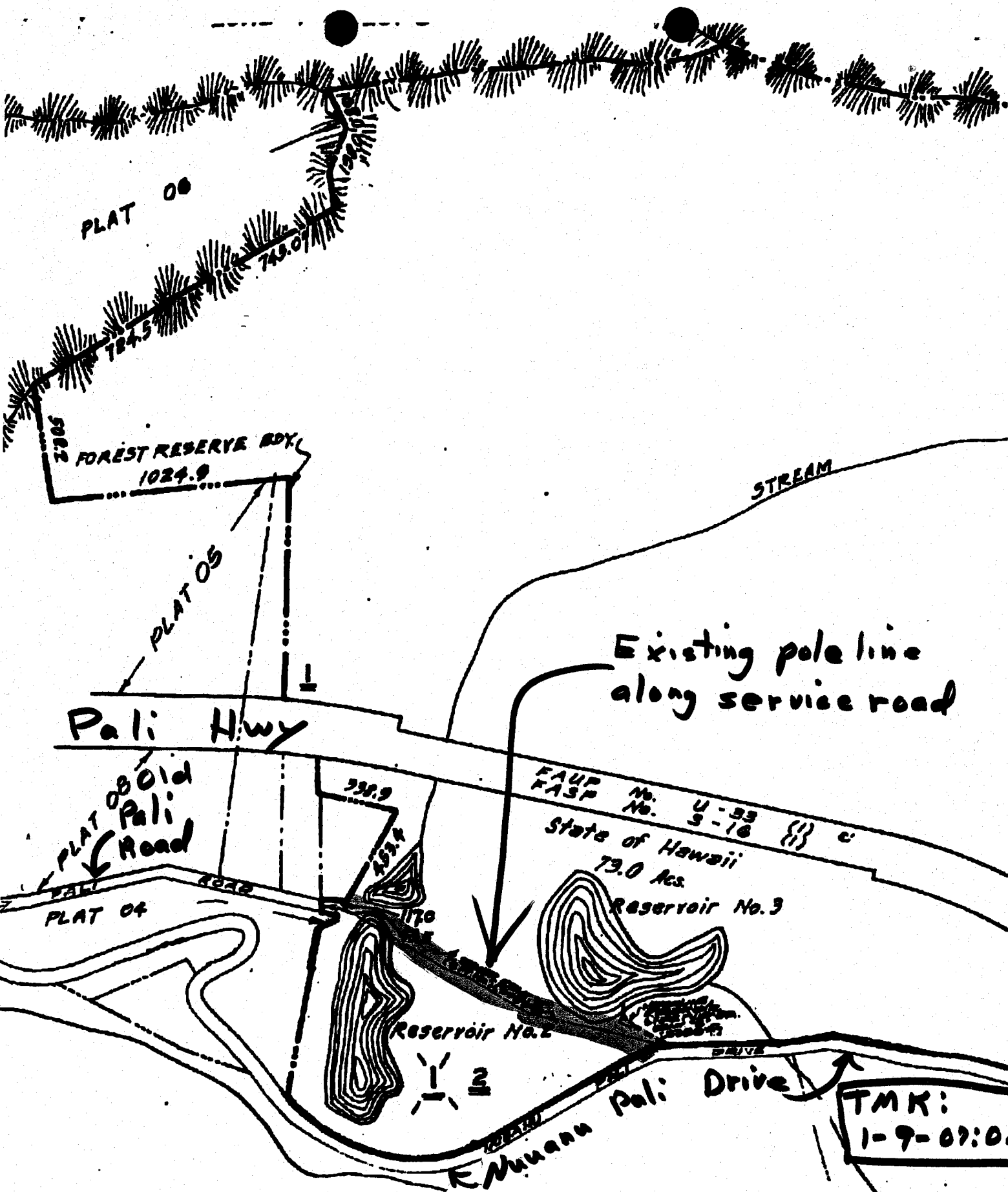
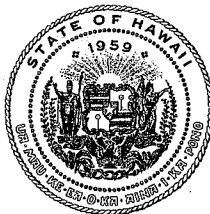
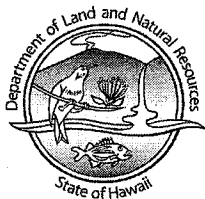


EXHIBIT "A"

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

060d-217

REF.:OCCL:TM

Correspondence: OA 07-201

MEMORANDUM

MAR 14 2007

To: Al Jodar, Land Agent
Oahu District Land Office

From: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Subject: Request for After the Fact Perpetual Easement for Existing Poleline Located Off
of Old Pali Road, Nuuanu, Honolulu, island of Oahu, TMK: (1) 1-9-007:002

The Office of Conservation and Coastal Lands (OCCL) has reviewed the subject request and we note that the subject parcel lies within the Protective and Resource subzone. We further note that there is an existing 6-foot sewer easement and maps on file with the Department indicate a former road at the subject location. As this has been an existing land use for forty years, we have no objections to the granting of an after the fact perpetual easement.

Should you have any questions regarding this memorandum, please feel free to contact Tiger Mills at ~7-0382.

RECEIVED
LAND DIVISION
2007 MAR 14 P 3:17
DEPARTMENT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

EXHIBIT "B"